Hib. o. 718. 4

THE WHOLE TRYAL

And Examination of Henry Dillane, a Child of Eight Years of Age, who was Tryed at the King's-Bench On Friday the 23d of May 1718. for Shooting his own Brother, a Child of Seven Years Old,

THe first Evidence for the King was Anne Sinnet Servant to Mr. Dillane, who being Sworn said, That on the 14th of February last, she had the Charge of the House and Children of Mr. Dillane, That about 12 a Clock in the Day she went out about her Master's Occasion, and left the said Henry and Charles in the House alone, That about Four in the Afternoon she came Home, and coming into the House she found Henry the Prisoner in the House, but could not See the deceas'd with him, that seeing Three spots of Blood, One upon the Floor, One upon the Table, and another upon the Bed Quilt, ; she ask'd the Prisoner how came that Blood, who answer'd that he was shaving his Forehead and he Cut it, that she going up Stairs, she found the deceas'd in Bed, Stript off his Cloaths, and having taken up the Bed-Cloaths, she seen the Sheets bloody, and asking the deceas'd what was the Matter, he told her that he had Shot himself, that she immediately Run to her Master who was at Dinner at one Mr, Spikes, and told him that there was something amiss among the Children, that Mr, Dillane and Mr, Spike went with all speed and found the Child in naked Bed, that she heard him tell Mr, Spike at first that he had Shot himself, but afterwards did own that his Brother Henry Shot him, but that he excused him for fear his Father should Whip him, that when she came Home she found the PISTOLS in the corner Cupboard, where they were when she went Abroad, and that she was sure that neither of the said Children could reach to the said Pistols without something to stand upon.

The Court ask'd the said Henry if he had any Questions to ask the Evidence, who said he had none to ask.

The second Evidence for the King was Michael Christian, who being Sworn said, That on the Day aforesaid the said Mr. Spike came for Mr. Smith the Chyrurgeon, being his the said Christian's Master, that he went along with his Master to Mr. Dillanes, and going up Stairs his Master having examined the Wound upon the deceas'd, he observed that he was Shot into the Belly, and out through the Back, and that a Piece of his Liver was Shot away by the Ball through his Back, that when Mr. Smith began to Dress him he complained that he was Dry, that therefore he ordered him some Surfeit Water to Drink, he observed that it run out of his Wound as fast as he Drank it, that he had dress'd him and that he dyed that same Night but could Declare no more.

The Third Evidence for the King was one one Spike, who being Sworn said, That on the 14th of February last Mr. Dillane the Father of the Prisoner being in his House at Dinner, the said Anne Sinnet came about Four of the Clock in the Afternoon and told her Master that there was something amiss at Home among the Children, that Mr. Dillane and said Spike went with all speed to Mr. Dillane's House and up Stairs, where he found the deceas'd wounded, and that he asked who Shot him, and he made Answer that he himself did, Mr. Spike said that it was impossible to do that himself, and therefore desired him to tell Truth ; after a great deal of Perswasion he acknowledged that his Brother Henry had Shot him, but that he desired his Brother to reach down one of the Pistols to play with, that after he did so, his Brother playing with the Pistol in the Chimney Corner, that he the deceas'd was standing at the Window, his Brother playing with the Pistol, it went off without any Design of his Brother's. The said Mr. Spike being examined in what Posture he seen the Pistol, he made Answer that the Cock being down, he found it hard to take it up, Therefore the Court considered that it was impossible for the Prisoner, (a Child of Eight Years Old) to Cock that Pistol if it had not been Cock'd before.

Therefore the Court gave a very easy and tender Charge to the Jury, considering the Evidence, and the said Henry was acquitted.

The Tryals of the Corner and Ensign who were to be Tryed for the killing of Mr Scot was put off untill the first Wednesday of next Term.

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